



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

January 5, 2010

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

Mr. Jeff Fleischman Director  
Casper Field Office  
Office of Surface Mining  
PO Box 11018  
Casper WY 82602-5004

Dear Mr. Fleischman:

**RE: S08AF12559-0002**

Construction Program Costs

The Public Service Commission has expended all remaining funds in S08AF122559.

All allowable, allocable and reasonable costs have been paid, all funds have been expended and the projects are considered complete. OSM is released from all obligations under or arising from these projects, subject to final audit, if any.

If you have any questions, please contact James Deutsch or me. Thank you.

Sincerely,

  
Gloria Geiger  
Administrative Staff Officer

cc: Frank Atencio  
James Deutsch

U.S. DEPARTMENT OF THE INTERIOR

Office of Surface Mining

Washington, DC 20240

☐ Performance Report

☒ Program Narrative Statement

1. Type of Program (Check Appropriate Box)

☒ Abandoned Mine Lands Program

2. Grant Recipient

PUBLIC SERVICE COMMISSION

STATE CAPITOL

13TH FLOOR

BISMARCK, ND 58505-0480

Type of Report: GR807380 Closeout Construction projects and report of construction projects

3. Project Title/Program GR807380

Abandoned Mine Reclamation Grant

4. Performing Organization

SAME AS ABOVE

5. Program Narrative

**2008 AML Construction Grant – Closeout Report**

The construction portion of North Dakota's 2008 AML grant was used by the Public Service Commission for construction projects under North Dakota's Abandoned Mine Lands Reclamation Program for the 36-month grant period that began on March 1, 2008 and ends February 28, 2011. By November 1, 2009, all funds in this construction grant had been expended so the grant is being closed-out at this time.

In addition to the actual construction costs incurred under contracts, the cost of staff time and travel to design the projects and oversee the construction work between March 1, 2008 and February 28, 2009 were charged to the 2008 construction grant. Funds from this grant were used for the projects discussed below.

**Williams County Road 9 – Phase 3 and 4**

The Commission entered into two contracts for the Williams County Road 9, Phase 3, abandoned mine project that occurred in 2008. One contract was for drilling holes into hazardous subsurface underground mine voids and pumping cement grout to fill them and stabilize the surface from collapse. The second contract was for field and lab testing of the grout. Drill holes, totaling 49,951 feet, were drilled along public roads and residential areas near Williston, ND; and 3,880 cubic yards of grout were pumped into underground mine voids. The 2008 contracted work was completed at a total cost of \$699,348.11. The Commission also entered into two similar contracts for the Williams County Road 9, Phase 4, abandoned mine project that occurred in 2009. Part of the 2009 contractor costs, \$489,637.44, was also charged to the 2008 grant. When including staff time and travel costs for the 2008 project, the total charges to the 2008 construction grant for these two projects was \$1,257,643.09.

**Columbus – Phase 9**

The Commission entered in a contract for Phase 9 of the Columbus AML Site during the 2008 construction season. This project involved moving approximately 820,000 cubic yards of material to complete highwall backfilling and grading on 75 acres. The amount of the contracted work paid from the 2008 construction grant was \$1,050,763.69. The total amount charged to the 2008 construction grant for work at the Columbus AML site, including staff time and travel, was \$1,192,862.89.

## **Maintenance/Mine Investigations**

The Commission conducted several maintenance projects and mine investigations that were charged to the 2008 construction grant. Four separate contracts were entered into that required the contractor to fill dangerous sinkholes at abandoned underground mines near Noonan, Beulah, New Leipzig, Scranton, Williston, Sawyer, Washburn and Wilton in the fall of 2008 and spring of 2009. The contracted sinkhole filling work was completed for \$129,085.00. With the staff time and travel costs for the sinkhole filling projects and other mine investigations, the total amount charged to the 2008 construction grant was \$166,615.62.

## **Exploratory Drilling**

The Commission started an exploratory drilling project during the 2007 grant period to locate and characterize suspected underground mine workings along and underneath State Highway 200 east of Underwood and within the City of Beulah. Approximately 204 holes were drilled totaling 16,430 feet. The contracted work was completed for \$75,490.00 and charged to the 2007 grant. However, this project was not completed until the spring of 2008 and some of the staff time and travel costs were charged to the 2008 construction grant. The total amount charged to the 2008 construction grant was \$11,047.74.

## **Njos Emergency**

The AML Division conducted an emergency project to drill and pressure grout underground mine voids on the Njos property east of Williston. A large void was detected between the driveway and concrete floor of a building that is used for a metal crafting and landscaping business. The driveway and locations around the building were drilled to locate additional voids and more than a 1,000 yards of grout were used to fill the voids. This project was completed at a cost of \$109,185.50. Since this amount exceeded the total amount North Dakota's emergency grant, \$100,000, some of the 2008 construction funds were used for the additional contractor costs as well as staff time and travel costs. The total amount charged to the 2008 construction grant was \$25,969.81.

## **Ruud Emergency**

The AML Division carried out a second emergency project in the summer of 2008 to fill an underground mine sinkhole that was immediately underneath and alongside the basement of the Ruud home north of Parshall. A grout mixture was used to gravity fill the sinkhole; however, the concrete floor in the home was damaged while filling the sinkhole and repairs were made and a structural survey of the home was conducted to check for any other damages. The total cost of this project including the cost of grout, repairs and structural survey was \$16,699.34. Since all of the funds in the emergency grant had been expended, construction funds were used to pay for this project. When including staff time and travel costs, the total amount charged to the 2008 construction grant was \$21,655.24.

## **Coal Fire Suppression**

In late 2008, the Commission received a special \$40,000 grant to extinguish coal outcrop fires and numerous coal outcrop fires were extinguished in the spring of 2009. The actual construction costs for extinguishing the fires were charged to the special grant. However, AML staff time and travel costs to oversee the construction activities were charged to the 2008 AML construction grant. The costs incurred for this work under the 2008 construction grant was \$6,758.77.

## **Design Work for the 2009 Projects**

Some staff time was also spent preparing plans for designing the major construction projects for 2009. These are the Williams County Road 9 Phase 4 Project and the Hazen West Phase 2 Project. The design costs charged to the 2008 construction grant for the Williams County Road 9 Phase 4 Project was \$12,419.37 and \$18,783.89 was charged for design work associated with the Hazen West Phase 2 Project.

The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that "This information is being collected to determine how an applicant plans to spend Federal dollars of a grant or cooperative agreement. This information will be used to prepare budget analyses and forecasting. The obligation to respond is required to obtain a benefit.

## Standard Form 424

OMB Approval No. 0348-0043

APPLICATION FOR  
FEDERAL ASSISTANCE2. DATE SUBMITTED  
01/05/2010

Applicant Identifier

S08AF12559

R04412

1. TYPE OF SUBMISSION:

☒ Application ☐ Preapplication

3. DATE RECEIVED BY STATE

State Application Identifier

ND071121-0456

☒ Construction  
☐ Non-Construction☐ Constructio  
☐ Non-Constructio

4. DATE RECEIVED BY FEDERAL AGENCY

Federal Identifier

GR807380

## 5. APPLICANT INFORMATION

Legal Name:

Public Service Commission

Organizational Unit:

AML Division

Address (give city, county, state, and zip code)

600 E Boulevard Dept 408

Bismarck, ND 58505-0480

Burleigh County

Name and telephone number of the person to be contacted on matters involving  
this application (give area code)

Jim Deutsch 701-328-2251

5. EMPLOYER IDENTIFICATION NUMBER (EIN)

45-0309764

: Duns Number: 802-744-946

7. TYPE OF APPLICANT (enter appropriate letter in box) [A]

- A. State H. Independent School District  
B. County I. State Controlled Institution of Higher Learning

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☒ Revision

If revision, enter appropriate letter(s) in box(es): [B] [ ]

A. Increase Award B. Decrease Award [ ] Increase Duration

D. Decrease Duration Other (specify):

- C. Municipal J. Private University  
D. Township K. Indian Tribe  
E. Interstate L. Individual  
F. Intermunicipal M. Profit Organization  
G. Special District N. Other (Specify)

10. CATALOG OF FEDERAL DOMESTIC 15-252  
ASSISTANCE NUMBER9. NAME OF FEDERAL AGENCY: U.S. OFFICE OF SURFACE  
MINING

TITLE:ND Abandoned Mine Lands Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

2008-2011 North Dakota AML Simplified Grant Construction Project Closeout.

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.)  
Entire State

13. PROPOSED PROJECT:

14. CONGRESSIONAL DISTRICTS OF:

Start Date

Ending Date

3/1/2008

2/28/2011

a. Applicant  
North Dakotab. Project  
North Dakota

15. ESTIMATED FUNDING:

|                   |   |
|-------------------|---|
| a. Federal        | 0 |
| b. Applicant      |   |
| c. State          |   |
| d. Local          |   |
| e. Other          |   |
| f. Program Income |   |
| g. TOTAL          | 0 |

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

- a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE  
AVAILABLE TO THE STATE EXECUTIVE ORDER 12372  
PROCESS FOR REVIEW ON:  
DATE 12/14/2007  
b. NO [ ] PROGRAM IS NOT COVERED BY E.O. 12372  
[ ] OR PROGRAM HAS NOT BEEN SELECTED FOR  
STATE REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

[ ] Yes If "Yes," attach an explanation [x] No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY  
AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative

James Deutsch

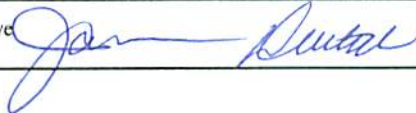
b. Title

Director - AML Div.

c. Telephone number

701-328-2251

d. Signature of Authorized Representative



e. Date Signed

1-5-10

Previous Editions Not Usable

Standard Form 424 (REV 4-88)  
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**U.S. DEPARTMENT OF THE INTERIOR**  
**OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT**  
 Budget Information and Financial Reporting Form

OMB Approval No.: 1029-0059  
 Exp. Date: 12/31/99

**SECTION A. GENERAL**

|   |  |                               |                                      |
|---|--|-------------------------------|--------------------------------------|
| Grantee: North Dakota Public Service Commission | Grant Title: FY 2008 ND AML Simplified Grant | Grant Number: <b>GR807380</b> | Grant Period: 3/01/2008 to 2/28/2011 |
|---|--|-------------------------------|--------------------------------------|

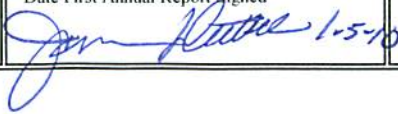
**SECTION B. BUDGET AND FINANCIAL REPORT INFORMATION**

| Budget/Cost Categories                     |        | Budget                    |                   | Financial Status Report<br>Cumulative Through 02 / 28 / 09 |                            |            | Financial Status Report<br>Cumulative Through 12 / 31 / 09 |                            |            | Financial Status Report<br>Cumulative Through / / |                            |            |
|--|--------|---------------------------|-------------------|--|----------------------------|------------|--|----------------------------|------------|---|----------------------------|------------|
| Title                                      | Number | Original/<br>Prior Budget | Current<br>Budget | Cumulative<br>Obligations                                  | Cumulative<br>Expenditures | Rpt<br>Ind | Cumulative<br>Obligations                                  | Cumulative<br>Expenditures | Rpt<br>Ind | Cumulative<br>Obligations                         | Cumulative<br>Expenditures | Rpt<br>Ind |
| AML Non-Emergency Administrative Cost      | 38801  | 292,113.00                | 259,046.59        | 259,046.59   | 259,046.59                 | F          | 259,046.59   | 259,046.59                 | F          |   |                            |            |
| AML Project Costs Construction             | 38803  | 2,680,690                 | 2,680,690         | 2,116,194.34   | 2,116,194.34               |            | 2,713,756.41   | 2,713,756.41               | F          |   |                            |            |
| Emergency Program Project Costs            | 38805  | 100,000                   | 100,000           | 100,000  | 100,000                    | F          | 100,000  | 100,000                    | F          |   |                            |            |
| Total Program Costs                        |        |                           |                   |  |                            |            |  |                            |            |   |                            |            |
| Total Grant                                |        | 3,072,803                 | 3,039,736.59      |  |                            |            |  |                            |            |   |                            |            |
| Total Net Program Obligations/Expenditures |        |                           |                   | 2,475,240.91   | 0.00                       |            | 0.00   | 0.00                       |            | 0.00  | 0.00                       |            |
| Total Grant Amount                         |        | 3,072,803.0               |                   |  |                            |            |  |                            |            |   |                            |            |
| Total Unobligated Balance                  |        |                           |                   | 564,495.66   |                            |            | 0.00   |                            |            | 0.00  |                            |            |
| Total Indirect Costs                       |        |                           |                   |  | 136,827.48                 |            |  | 136,827.48                 |            |   |                            |            |
| Total Program Income                       |        |                           | 0.00              |  | 0                          |            |  | 0                          |            |   |                            |            |

**SECTION C. INDIRECT COST RATE INFORMATION**

|   |   |  |
|---|---|--|
| Type Rate #1: x Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Provisional <input type="checkbox"/> Fixed <input type="checkbox"/><br>Indirect Rate Calc: Base \$379,868 Indirect Amount \$151,872<br>Rate 39.98% Period Covered by Rate: 3/1/07-7/01/2009 | Type Rate #2: Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Provisional <input type="checkbox"/> Fixed <input checked="" type="checkbox"/><br>Indirect Rate Calc: Base \$342,240.29 Indirect Amount \$136,827.48<br>Rate 39.98% Period Covered by Rate: 03/01/2008 - 06/30/2009 | Type Rate #3: Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Provisional <input type="checkbox"/> Fixed <input checked="" type="checkbox"/><br>Indirect Rate Calc: Base \$342,240.29 Indirect Amount \$136,827.48<br>Rate 39.98% Period Covered by Rate: 03/01/2008-07/01/2009/ |
|---|---|--|

**SECTION D. SIGNATURES**

|   |                                 |  |  |   |
|---|---------------------------------|--|--|---|
| Name/Title and Signature of Authorized Official (Grant Application)<br>Susan Wefald, Commissioner | Date of Signature<br>12/31/2007 | Signature of Authorized Official and<br>Date First Annual Report Signed<br> 1-5-10 | Signature of Authorized Official and<br>Date Second Annual Report Signed | Signature of Authorized Official and<br>Date Third Annual Report Signed |
|---|---------------------------------|--|--|---|



# FEDERAL FINANCIAL REPORT

(Follow form instructions)

|  |  |                  |                |
|--|--|------------------|----------------|
| 1. Federal Agency and Organizational Element<br>to Which Report is Submitted | 2. Federal Grant or Other Identifying Number Assigned by Federal Agency<br>(To report multiple grants, use FFR Attachment) | Page<br><b>1</b> | of<br><b>2</b> |
| OSM  | S08AF12559   |                  | pages          |

|   |
|---|
| 3. Recipient Organization (Name and complete address including Zip code)<br>Public Service Commission<br>600 E Blvd 12th Fl, Bismarck ND 58505-0480 |
|---|

|                 |            |  |                |                        |
|-----------------|------------|--|----------------|------------------------|
| 4a. DUNS Number | 4b. EIN    | 5. Recipient Account Number or Identifying Number<br>(To report multiple grants, use FFR Attachment) | 6. Report Type | 7. Basis of Accounting |
| 802-744-946     | 45-0309764 | R04412   | Final          | Accrual                |

|   |                                     |  |
|---|-------------------------------------|--|
| 8. Project/Grant Period<br>From: (Month, Day, Year)<br>3/1/2008 | To: (Month, Day, Year)<br>2/28/2011 | 9. Reporting Period End Date<br>(Month, Day, Year)<br>12/31/2009 |
|---|-------------------------------------|--|

|                  |            |
|------------------|------------|
| 10. Transactions | Cumulative |
|------------------|------------|

(Use lines a-c for single or multiple grant reporting)

|  |                |
|--|----------------|
| Federal Cash (To report multiple grants, also use FFR Attachment): |                |
| a. Cash Receipts   | \$0.00         |
| b. Cash Disbursements  | \$2,713,756.41 |
| c. Cash on Hand (line a minus b)                                   | \$0.00         |

(Use lines d-o for single grant reporting)

|  |                |
|--|----------------|
| Federal Expenditures and Unobligated Balance:            |                |
| d. Total Federal funds authorized                        | \$2,713,756.41 |
| e. Federal share of expenditures                         | \$2,713,756.41 |
| f. Federal share of unliquidated obligations             | \$0.00         |
| g. Total Federal share (sum of lines e and f)            | \$2,713,756.41 |
| h. Unobligated balance of Federal funds (line d minus g) | \$0.00         |


|  |        |
|--|--------|
| Recipient Share:   |        |
| i. Total recipient share required                            | \$0.00 |
| j. Recipient share of expenditures                           | \$0.00 |
| k. Remaining recipient share to be provided (line i minus j) | \$0.00 |

|   |        |
|---|--------|
| Program Income:   |        |
| l. Total Federal program income earned                                  | \$0.00 |
| m. Program income expended in accordance with the deduction alternative | \$0.00 |
| n. Program income expended in accordance with the addition alternative  | \$0.00 |
| o. Unexpended program income (line l minus line m or line n)            | 0      |

| 11. Indirect Expense | a. Type  | b. Rate | c. Period From | Period To  | d. Base    | e. Amount Charged | f. Federal Share |
|----------------------|----------|---------|----------------|------------|------------|-------------------|------------------|
|                      | fixed    | 39.98   | 3/1/2008       | 12/31/2009 | 184,086.47 | 73,597.80         | 73,597.80        |
|                      |          |         |                |            |            |                   |                  |
|                      | g Totals |         |                |            |            | 184,086.47        | 73,597.80        |

12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.

13. Certification: By signing this report, I certify that it is true, complete, and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

|   |  |
|---|--|
| a. Typed or Printed Name and Title of Authorized Certifying Official<br><br>James Deutsch, Director Reclamation/AML                   | c. Telephone (Area code, number and extension)<br>701 328 2401<br><br>d. Email address<br>jdeutsch@nd.gov<br><br>e. Date Report Submitted (Month, Day, Year)<br>1/5/2010 |
| b. Signature of Authorized Certifying Official<br> | 14. Agency use only:   |

Standard Form 425  
OMB Approval Number: 0348-0061  
Expiration Date: 10/31/2011

**Paperwork Burden Statement**  
According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is 0348-0061. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0061), Washington, DC 20503.

**FEDERAL FINANCIAL REPORT ATTACHMENT**  
**(For reporting multiple grants)**[illegible]

Public reporting burden for this collection of information is estimated to average .5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project \_\_\_\_\_, Washington, DC 20503.